

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 28, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 98HD-282

HAWAII

Amend Prior Board Actions of August 28, 1998, Item D-27, Direct Sale of Two Perpetual, Non-Exclusive Easements to Nohona Partners Inc. at Kaumalumalu and Pahoehe 1st, North Kona, Hawai'i, Tax Map Key: 3rd/7-7-04:portion of 02 and 7-7-08: portion of 27

BACKGROUND:

At its meeting of August 28, 1998, Agenda Item D-27, the Board approved the Direct Sale of Two Perpetual, Non-Exclusive Easements to Nohona Partners, Inc. (NPI) for access and utility purposes at Kaumalumalu and Pahoehe 1st, North Kona, Hawai'i, Tax Map Key: 3rd/ 7-7-04:portion of 02 and 7-7-08: portion of 27.

In attempt to execute eight easement documents for similar purposes previously approved to NPI, staff was notified that NPI was now dissolved and no longer in existence. As a result, there are no individuals available to execute the Grant of Easement documents. Due to the length of time taken in transacting this request, NPI proceeded with its plans to subdivide and convey its interest to various private landowners. The delays experienced involved the acquiring of the necessary surveys, appraised value of the easements, and preparation of the easement documents. NPI's business status was confirmed with DCCA.

Upon discussing matters with the Office of the Attorney General, it was recommended that NPI be deleted as Grantee, and that the respective private landowners be named as the Grantees to their respective easements.

Staff would also like to have the easements run with the land and that it should inure to the benefit of the real properties it services. Research through the Real Property Tax Office of the private parcels involved, indicated that the current landowners on record are as follows:

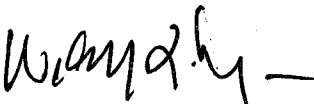
EASEMENT NO.	TAX MAP KEY	LANDOWNER/GRANTEE
1	3 rd / 7-7-04: 69	Larry R. Smith
2	3 rd / 7-7-04: 70	Pua Mauka Development, LLC

RECOMMENDATION:


That the Board Amend Its Prior Actions of August 28, 1998, Item D-27, Direct Sale of Two Perpetual, Non-Exclusive Easements at Kaumalumalu and Pahoehe 1st, North Kona, Hawai'i, Tax Map Key: 3rd/ 7-7-04:portion of 02 and 7-7-08: portion of 27 by:

- A. Amending Condition A of the Recommendation Section by inserting, "or current landowner of record," after the word applicant;
- B. Inserting a Condition A.4. to read as follows:
"The respective perpetual easements shall run with the land and shall inure to the benefit of the respective real property it services. That when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document"; and
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,


Wesley T. Matsunaga
Land Agent

APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson